

WESLEY M. MULLEN

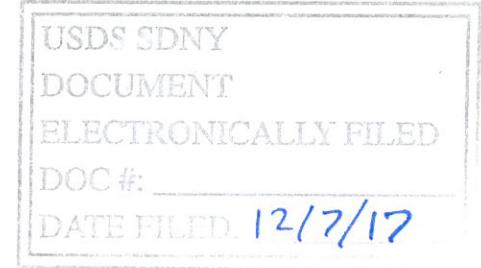
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December 7, 2017

Hon. Richard J. Sullivan
United States District Court
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square, Room 2104
New York, NY 10007

sullivannysdchambers@nysd.uscourts.gov

VIA CM/ECF AND EMAIL



Re: Hughes v. Benjamin, No. 17 CV 6493 (RJS)

Your Honor,

I represent Defendant Carl Benjamin in the captioned matter. I write in response to Plaintiff's letter motion for an order permitting service by alternative means. (ECF Doc. No. 12.)

Mr. Benjamin is not "willfully evading" service. Plaintiff has simply failed properly to serve him as required by Rule 4.

My client is a U.K. citizen resident in the U.K. who is not subject to personal jurisdiction before this Court. He has no interest in assisting Plaintiff in abusing U.S. Copyright law for the wrongful purpose of political retaliation. (Complaint (ECF Doc. No. 1) at ¶ 3 (describing Defendant as an "outspoken" political opponent of Plaintiff); id. (describing the alleged copyright infringement as "an attempt to discredit [Plaintiff] and her political positions."))

I so advised counsel for Plaintiff in correspondence that preceded Plaintiff's letter motion. (See Exhs. A, B). Those letters also set forth the basis for Defendant's anticipated motions to dismiss and for fees under the Copyright Act. (Id.)

My client would agree to a Rule 4(d)(1) request to waive service directed to the undersigned. See Rule 4(d)(5) ("Waiving service of a summons does not waive any objection to personal jurisdiction or to venue.")

Respectfully,


Wesley M. Mullen

As Defendant appears willing to waive service, his date to answer or otherwise respond to the complaint would be 90 days after the receipt of a Federal Rule of Civil Procedure 4(d) request to waive service. Defendant's waiver of service would seem to moot Plaintiff's Rule 4(f) motion for email service. However, if Plaintiff would like to respond to Defendant's letter or the Court's order, she shall do so no later than December 11, 2017.

SO ORDERED

Dated:


RICHARD J. SULLIVAN
U.S.D.J.
12/7/17